

REMARKS

This Amendment is being submitted in response to the Office Action dated June 25, 2008 in the above-identified application. Concurrently with this Amendment, Applicant submits a petition for a two-month extension of time for filing a response, along with the requisite fee. Therefore the time for filing a response to the June 25, 2008 Office Action is thereby extended to November 25, 2008, and this Amendment is being timely filed. If it is determined that any additional fee is due in connection with this filing, the Commissioner is authorized to charge said fees to Deposit Account No. 50-0552.

Claims 29 and 33 have been amended in accordance with the Examiner's suggestions found on page 2 of the Office Action. Support for amended claims 29 and 33 can be found in the specification as filed, e.g. original claims 29 and 33 as filed. Claim 27 has been amended. Support for the amendment to claim 27 can be found in the specification as filed, e.g. paragraphs [0016] and [0028]. No new matter has been added. Claims 18 to 47 are currently pending.

Claims 26 to 29 and 33 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18 to 25, 30 to 32 and 34 to 47 were allowed.

Reconsideration of the application based on the following is respectfully requested

Rejections under 35 U.S.C. § 112, second paragraph

Claims 26 to 29 and 33 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 26 to 28

In the Office Action, claims 26 to 28 were alleged to be indefinite for the inaccurate

usage of the term “chalcogenide”.

To expedite the prosecution of this application, claim 27 has been amended to recite “wherein the active material includes an oxide.” Support for the amendment to claim 27 can be found in the specification as filed, e.g. paragraphs [0016] and [0028]. No new matter has been added by way of the amendment to claim 27.

In view of the above, withdrawal of the rejections to claims 26 to 28 under 35 U.S.C. §112, second paragraph thus is respectfully requested.

Claim 29:

Claim 29 was rejected under 35 U.S.C. § 112, second paragraph, for failing containing improper Markush language, i.e. the term “including”. As suggested by the Examiner, Applicant has changed the term “including” to “consisting of” in line 2 of claim 29.

In view of the above, withdrawal of the rejection to claim 29 under 35 U.S.C. §112, second paragraph thus is respectfully requested.

Claim 33:

Claim 33 was rejected under 35 U.S.C. § 112, second paragraph, because the term “thermally treating” allegedly renders the claim indefinite. As suggested by the Examiner, Applicant has changed the term “thermally treating” to “thermally decomposing” in claim 33.

In view of the above, withdrawal of the rejection to claim 33 under 35 U.S.C. §112, second paragraph thus is respectfully requested.

Conclusion:

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

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